

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

KARS 4 KIDS INC.,

JUDGMENT IN A CIVIL CASE
CASE NUMBER: 14-7770 (PGS)

Plaintiff,

V.

AMERICA CAN!

Defendant.

X **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict. Subject to further motions for specific relief by both parties, the Court enters Judgment as to the questions answered by the Jury:

Verdict:

Question 1:

Has Kars 4 Kids established by a preponderance of the evidence that it owns exclusive rights to use either of its alleged trademarks, 1-877-KARS-4-KIDS or Kars 4 Kids, and that either of those trademarks were infringed by America Can! Cars for Kids in:

Jury answered: None of the States in the United States

Question 2:

Has Kars 4 Kids demonstrated by a preponderance of the evidence that America Can! Cars for Kids willfully used marks confusingly similar to its mark?

Jury answered: No

Question 4:

Has America Can! Cars for Kids established by a preponderance of the evidence that it owns exclusive rights to use its alleged trademark, Cars for Kids, and that trademark was infringed by Kars 4 Kids in:

Jury answered: Some of the States in the United States

Question 5:

Has America Can! Cars for Kids demonstrated by a preponderance of the evidence that Kars 4 Kids willfully used marks confusingly similar to its mark?

Jury answered: Yes

Question 6:

If you answered "Some of the States in the United States" in Question 4, in which states do you find that America Can! Cars for Kids established by a preponderance of the evidence that it owns the exclusive right to use its trademark and that trademark was infringed by Kars 4 Kids?

Jury answered: Texas

Question 7:

Has either party established by a preponderance of the evidence that its alleged trademark(s) became famous before the other party commenced use of its alleged trademark(s)? (Select only one.)

Jury answered: Neither

Question 10:

Has America Can! Cars for Kids shown by clear and convincing evidence that Kars 4 Kids knowingly procured its registration of its trademark 1-877-KARS-4-KIDS, by false or fraudulent declarations or representations, orally or in writing, or by any false means, to the United States Patent and Trademark Office, and

that the United States Patent and Trademark Office relied on those false or fraudulent representations in granting the registration of 1-877-KARS-4-KIDS?

Jury answered: No

DATE

5/30/19

Peter G. Sheridan
PETER G. SHERIDAN, U.S.D.J.